

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCUS TAYLOR, #361170,

Plaintiff,

File No. 1:10-CV-94

v.

HON. ROBERT HOLMES BELL

TERILYNN HILLIS, et al.,

Defendants.

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On January 2, 2013, United States Magistrate Judge Joseph G. Scoville issued a report and recommendation ("R&R") recommending that Dr. Lacy's motion for summary judgment (Dkt. No. 122) be granted and that all of Plaintiff's claims against Dr. Lacy be dismissed without prejudice pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies. (Dkt. No. 148, R&R.) Plaintiff filed an objection to the R&R on January 14, 2012. This Court is required to make a *de novo* determination of those portions of the R&R to which specific objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff objects to the determination that he failed to exhaust administrative remedies. He contends that pursuant to *Jones v. Bock*, 549 U.S. 199 (2007), he was not required to name Dr. Lacy because Dr. Lacy was a part of the *corpus delicti* of the incident.

Plaintiff's objection lacks merit. *Jones v. Bock* confirmed that proper exhaustion requires compliance with the controlling grievance procedure. *Id.* at 218. At the time the grievances in *Jones v. Bock* were filed, MDOC policy did not specify who must be named in a grievance. At the time Plaintiff filed his grievance in this case, however, the grievance procedure specifically required Plaintiff to name the individuals against whom the grievance was filed. Plaintiff did not name Dr. Lacy in his grievance. Moreover, he also failed to allege anything that Dr. Lacy did wrong. As the R&R correctly noted, "[n]othing in plaintiff's grievance would have put any reasonable reader on notice that Lacy was 'a person against whom he grieved.'" R&R at 2 (quoting *Sullivan v. Kasajaru*, 316 F. App'x 469, 470 (6th Cir. 2009)). Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objection to the R&R (Dkt. No. 154) is **OVERRULED**.

IT IS FURTHER ORDERED that the January 2, 2013, R&R (Dkt. No. 148) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Dr. Lacy's motion for summary judgment (Dkt. No. 122) is **GRANTED**.

IT IS FURTHER ORDERED that all of Plaintiff's claims against Dr. Lacy are **DISMISSED WITHOUT PREJUDICE**.

Date: February 4, 2013

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE